

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GABRIEL ROSA-DIAZ,	:	Civil No. 1:17-CV-2215
	:	
Plaintiff,	:	(Judge Rambo)
	:	
v.	:	
	:	(Magistrate Judge Carlson)
LAUREL HARRY, et al.,	:	
	:	
Defendants.	:	

MEMORANDUM ORDER

This is a *pro se* state prisoner civil rights lawsuit. One of the surviving claims in this case is an Eighth Amendment conditions of confinement claim brought by Rosa-Diaz who alleges that in March and April of 2017, while he was a state prisoner housed at the State Correctional Institution (SCI) Camp Hill, he was housed in a cell where “there were human feces inside the air conditioner and exhaust ventilations [in his new cell]; . . . the plumbing for the hot water did not work and plaintiff did not had [sic] access to hot water; . . . the exhaust air ventilation was broken and inoperative and; . . . the cell smelled of urine and feces.” (Doc. 12-1, ¶ 36.)

With the issues in this litigation framed in this fashion, Rosa-Diaz has filed a motion which seems to seek a copy of the deposition testimony of an inmate witness Eric Maple. (Doc. 120). Rosa-Diaz filed this motion on April 24, 2020, but the motion was first referred to us on August 10, 2020. We note that the defendants have agreed to provide this transcript to Rosa-Diaz stating that: “as a courtesy and because

trial is approaching . . . , the Defendants will provide Rosa-Diaz with a copy of Eric Maple's deposition transcript." (Doc. 123 at 2). Accordingly, IT IS ORDERED that the motion is GRANTED to the extent that Rosa-Diaz shall receive a courtesy copy of this transcript. To the extent that the plaintiff seeks otherwise unspecified sanctions the motion is DENIED since there is nothing sanctionable about the defendants' conduct agreeing to provide a copy of this transcript to Rosa-Diaz.

So ordered this 11th day of August 2020.

S/Martin C. Carlson
Martin C. Carlson
United States Magistrate Judge